

LABOUR AND THE PEACE TREATY

INCLUDING

THE LABOUR CONVENTION AND GENERAL PRINCIPLES

As Incorporated in the Treaty of Peace, Part XIII, Sections I and II,
Articles 387-427, between the Allied and Associated Powers
and Germany, signed at Versailles, June 28, 1919.

PRINTED BY ORDER OF PARLIAMENT



OTTAWA

J. DE LABROQUERIE TACHÉ

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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LABOUR

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PEACE TREATY.

1. INTRODUCTION.

The Labour Section of the Peace Treaty has not, perhaps, received as much attention as some other sections dealing with burning subjects related more closely to the immediate issues of the war. It is safe to say, however, that no section is more pregnant for good or evil to the new world which is now beginning to take shape. If they are to fulfil their purpose, the Peace Treaty and the League of Nations must not merely bring freedom to oppressed nationalities and relieve mankind from the spectre of military aggression. It must, in fact, be a living organism, with the power and the will not merely to protect its members against the evils of war, but to ensure to them the good things of peace.

If it is to do this in any effective way, it must furnish the means of lifting the social civilisation of the world to a higher general level. Civilisation, after all, depends finally on the free development of the individual. The League of Nations, therefore, if it is to do its work, must be capable of ensuring, as far as can be done by international action, the prosperity and development of the individual as well as of the national community to which he belongs.

It was with this object in view that the Labour Section of the Peace Treaty was framed. It embodies a scheme which was based on proposals put forward by the British representatives for establishing a permanent organisation as part of the League to secure minimum conditions of life to the workers all over the world. In the past social and industrial progress has often been hindered by the fear of individual States that improvement in the industrial and social conditions of their workers could only be purchased by the loss of trade in the international market, which would in the end prove ruinous.

On the other hand, it was beginning to be felt before the war that, if co-operation could be brought about among the nations, simultaneous improvements could be carried out with little detriment to any of them and with great benefit to the workers of all countries. The tentative beginnings of such co-operation were made at the Berne Conference of 1906 and 1913, but the organisation now established by the Peace Treaty takes a very long step forward. Instead of leaving international action to the chance initiative of some philanthropic State, which, in response to a long campaign against some particular feature of industrial life, issued an invitation to other States (which they could accept on conditions or refuse altogether) to send officials to a conference, there is now a permanent machinery always in action. When the conference of officials had dispersed, there was no provision for calling it together again save by the same method. It is now provided that a conference containing not only representatives of the Governments, but also of employers and Trade Unions from every country, shall meet at least once in every year.

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Behind the Conference is a permanent International Labour Office charged with the collection and dissemination of information on all industrial questions of international interest, and therefore constantly, by research and investigation, bringing new problems into the sphere of international adjustment when they can be dealt with by the Conference. The difference is in fact that whereas the old haphazard system might succeed occasionally in dealing with things against which informed public opinion revolted, as, for example, phosphorus poisoning, the new system provides for the scientific study and subsequent international treatment of all classes of labour questions. The old system might secure an occasional prohibition of some dangerous process or of unsuitable work for women and children. The new system contains the potentialities of a regular and general improvement of industrial conditions. Moreover, the delegates of each nation will not vote in a national block, but each delegate will be free to express his views and cast his vote in whatever way he thinks best on every occasion. Further, unanimous decisions will no longer be necessary in order to put the findings of the Conference in the way of realisation. All questions will be decided by a bare majority, except the final approval of Conventions, for which a two-thirds majority will be required. The Conventions will then have to be laid before the proper legislative or other authority in each country for ratification within one year, and there is little doubt that the moral force behind the decisions of such a representative gathering as the Conference will be, will ensure that its decisions will be adopted by the great majority of countries. Once they have been adopted, every country will be under obligation to give full effect to them, and machinery, under the control of the League, is provided for ensuring that this shall be done.

There are some who have criticised the scheme as timid, on the ground that it did not set up an International Labour Parliament whose decisions should forthwith be binding on all countries. The Commission considered this question very carefully, but eventually decided, for the reasons which are explained in its report, that the time was not yet ripe for such an institution, though it expressed the hope that it would be realised in the future. Objection has also been raised on the ground that the Governments were given an unduly large representation in the Labour Conference. This again was a matter which was exhaustively considered by the Commission. The reasons which led it to adopt the arrangements provided in the Treaty are fully set forth in the report, from which it will be seen that they were actuated by the belief that by this means progressive labour legislation could be promoted.

This pamphlet gives the Labour Section of the Peace Treaty more easily, together with an explanation of its principal features contained in the report submitted to the Peace Conference by the Commission which drew it up. For greater convenience of reference the articles are numbered from 1 onwards as in the original draft drawn up by the Commission, the numbers in brackets being those of the Treaty itself. A certain number of alterations, mostly of a drafting character, were made in the Articles dealing with the permanent organisation after it left the Commission, but none of them affect the general character of the scheme. The Labour Clauses, however, were modified in several important particulars, but the alterations again do not affect the general application of Part II of the Commission's report.

GEORGE N. BARNES.

2/7/1919.

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2. TERMS OF REFERENCE AND CONSTITUTION OF THE COMMISSION ON INTERNATIONAL LABOUR LEGISLATION.

The Commission on International Labour Legislation was appointed by the Peace Conference on the 31st January, 1919. The terms of reference were as follows:—

“That a Commission, composed of two representatives apiece from the five Great Powers, and five representatives to be elected by the other Powers represented at the Peace Conference, be appointed to inquire into the conditions of employment from the international aspect, and to consider the international means necessary to secure common action on matters affecting conditions of employment, and to recommend the form of a permanent agency to continue such inquiry and consideration in co-operation with and under the direction of the League of Nations.”

At a meeting of the other States on the 27th January, 1919, it was agreed that Belgium should nominate two representatives on the Commission, and Cuba, Poland and the Czecho-Slovak Republic one each.

The Commission was composed as follows:—

United States of America—

Mr. Samuel Gompers, President of the American Federation of Labour; Hon. A. N. Hurley, President of the American Shipping Board. (Substitutes: Hon. H. M. Robinson, Dr. J. T. Shotwell, Professor at Columbia University.

The British Empire—

The Rt. Hon. G. N. Barnes, M.P., Member of the War Cabinet. (Substitute: Mr. H. B. Butler, C.B., Assistant Secretary, Ministry of Labour.) Sir Malcolm Delevingne, K.C.B., Assistant Under-Secretary of State, Home Office.

France—

Mr. Colliard, Minister of Labour. (Substitute: Mr. Arthur Fontaine, Counsellor of State, Director of Labour.) Mr. Loucheur, Minister of Industrial Reconstruction. (Substitute: Mr. Léon Jouhaux, General Secretary of the Confédération Générale du Travail.)

Italy—

Baron Mayor des Planches, Hon. Ambassador, Commissioner-General for Emigration. Mr. Cabrini, Deputy, Vice-President of the Supreme Labour Council. (Substitute: Mr. Coletti.)

Japan—

Mr. Otchiai, Envoy Extraordinary, Minister Plenipotentiary of His Majesty The Emperor of Japan at The Hague. Mr. Oka, formerly Director of Commercial and Industrial Affairs at the Ministry of Agriculture and Commerce.

Belgium—

Mr. Vandervelde, Minister of Justice and of State. (Substitute: Mr. La Fontaine, Senator.) Mr. Mahaim, Professor at Liège University, Secretary to the Belgian Section of the Association for the Legal Protection of Workmen.

Cuba—

Mr. De Bustamante, Professor at Havana University. (Substitutes: Mr. Raphael Martinez Ortiz, Minister Plenipotentiary; Mr. De Blanck, Minister Plenipotentiary.)

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Poland—

Count Zoltowski, Member of the Polish National Committee, afterwards replaced by Mr. Stanislas Patek, Counsellor of the Court of Cassation. (Substitute: Mr. François Sokal, Director-General of Labour.)

Czecho-Slovak Republic—

Mr. Benès, Minister for Foreign Affairs, afterwards replaced by Mr. Rudolph Broz.

The following were appointed officers of the Commission:—

President, Mr. Samuel Gompers (U.S.A.);

Vice-Presidents: The Rt. Hon. G. N. Barnes, M.P. (British Empire), Mr. Colliard (France);

General Secretary, Mr. Arthur Fontaine (France);

Assistant General Secretary, Mr. H. B. Butler (British Empire);

Secretaries: Baron Capelle (substitute, Count de Grunne), Belgium; Mr. di Palma Castiglione, Italy; Mr. Oyster, U.S.A.; Mr. Yoshisaka, Japan.

3. REPORT OF THE COMMISSION.

The Commission has held thirty-five meetings, and has drawn up its conclusions in two parts. The first is a draft convention containing provisions for the establishment of a permanent organisation for international labour legislation. This convention, which was based on a draft presented by the British Delegation, has been the subject of the most careful examination and discussion. The first part of this report may conveniently take the form of a commentary thereon. The second part of the Commission's conclusions is in the form of clauses containing declarations of principle in regard to a number of matters which are of vital importance to the labour world. At the opening sittings, the various Delegations agreed on the need for such declarations which the Commission suggests should be included in the Treaty of Peace, in order that it may mark not only the close of the period which culminated in the world-war, but also the beginning of a better social order and the birth of a new civilisation.

PART I.—PERMANENT ORGANISATION.

Preamble.

The main idea underlying the scheme embodied in the Convention is that the constitution of the League of Nations will not provide a real solution of the troubles which have beset the world in the past, and will not even be able to eliminate the seeds of international strife, unless it provides a remedy for the industrial evils and injustices which mar the present state of society. In proposing, therefore, to establish a permanent organisation in order to adjust labour conditions by international action, the Commission felt that it was taking an indispensable step towards the achievement of the objects of the League of Nations and has given expression to this idea in the Preamble, which defines the objects and scope of the proposed organisation.

CHAPTER I.

Chapter I provides the machinery of the permanent organisation proposed. In the first place, it is stipulated (Article I) that participation in this organisation shall be a condition of membership of the League of Nations, since every State Member of

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the League is morally bound to accept the principles set forth in the Preamble, if it has really at heart the promotion of the cause of justice and humanity.

The organisation itself is divided into two parts: (1) The International Labour Conference; (2) The International Labour Office controlled by a Governing Body. (Article 2.)

1. *International Labour Conference.*

This Conference will meet at least annually and will consist of delegates nominated by each of the High Contracting Parties, two of whom will be directly appointed by the Governments, and the other two will be chosen in agreement with the industrial organisations representative of their employers and workpeople respectively. (Article 3.)

Each delegate will vote individually (Article 4). It was strongly felt by the Commission that if the Conference was really to be representative of all those concerned with industry and to command their confidence, the employers and workpeople must be allowed to express their views with complete frankness and freedom, and that a departure from the traditional procedure of voting by national units was therefore necessary. It was accordingly thought that the employers' and workpeople's delegates should be entitled to speak and vote independently of their Governments.

Some difference of opinion made itself felt on the Commission as to the relative numbers of the delegates representing the Governments, the employers and the workpeople respectively. The French, American, Italian and Cuban Delegations contended that each of these three parties should have equal voting power. They maintained that the working classes would never be satisfied with a representation which left the Government and the employers combined in a majority of three to their one. In other words, the proposal amounted to giving the States a veto on the proceedings of the Conference which would create so much distrust of it among the workers that its influence would be seriously prejudiced from the start. This view was contested by the British, Belgian and other Delegations, who pointed out that as the Conference was not simply an assembly for the purpose of passing resolutions, but would draw up draft conventions which the States would have to present to their legislative authorities, it was essential that the Governments should have at least an equal voice. Otherwise, it might often happen that conventions adopted by a two-thirds majority of the Conference would be rejected by the legislatures of the various States, which would have the effect of rendering the proceedings of the Conference nugatory and would quickly destroy its influence and prestige. The adoption of a proposal to which the majority of the Governments were opposed would not lead to any practical result, as the legislative authorities of the Governments whose delegates were in the minority would in all probability refuse to accept it. Moreover, it was likely, especially in the future, that the Government delegates would vote more often with the workers than against them. If this were so, it was obviously to the advantage of the latter that the Governments should have two votes instead of one, as it would render it easier for them to obtain a two-thirds majority, which under the Franco-American proposal would be practically impossible if the employers voted in a body against them.

The Commission finally decided by a narrow majority to maintain the proposal that each Government should have two delegates.

The Italian Delegation, which united with the French Delegation in urging the importance of securing representation for agricultural interests, were to some extent reconciled to the above decision by the consideration that, as the Governments would have two delegates, it would be easier to secure such representation. It should also be observed that, as different technical advisers may be appointed for each subject of discussion, agricultural advisers may be selected when necessary.

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2. *International Labour Office (Articles 6 to 13).*

This Office will be established at the seat of the League of Nations, as part of its administrative organisation. It will be controlled by a Governing Body of 24 members, the composition of which is provided for in the Protocol to Article 7. Like the Conference, the Governing Body will consist of representatives of the Governments, employers and workpeople. It will include 12 representatives of the Governments, 8 of whom will be nominated by the States of chief industrial importance, and the remaining 12 will consist of six members nominated by the employers' delegates to the Conference, and six nominated by the workers' delegates. The objects and functions of the Office are sufficiently explained in the articles referred to.

CHAPTER II.

1. *Procedure (Articles 14 to 21).*

This portion of the Convention contains one article of vital importance, namely, Article 19, which treats of the obligations of the States concerned in regard to the adoption and ratification of draft conventions agreed upon by the International Conference.

The original draft proposed that any draft convention adopted by the Conference by a two-thirds majority must be ratified by every State participating, unless within one year the national legislature should have expressed its disapproval of the draft convention. This implied an obligation on every State to submit any draft convention approved by the Conference to its national legislature within one year, whether its own Government representatives had voted in favour of its adoption or not. This provision was inspired by the belief that, although the time had not yet come when anything in the nature of an international legislature whose decisions should be binding on the different States was possible, yet it was essential for the progress of international labour legislation to require the Governments to give their national legislatures the opportunity of expressing their opinion on the measures favoured by a two-thirds majority of the Labour Conference.

The French and Italian Delegations, on the other hand, desired that States should be under an obligation to ratify conventions so adopted, whether their legislative authorities approved them or not, subject to a right of appeal to the Executive Council of the League of Nations. The Council might invite the Conference to reconsider its decision, and in the event of its being reaffirmed there would be no further right of appeal.

Other Delegations, though not unsympathetic to the hope expressed in the first resolution printed at the end of the draft convention, that in course of time the Labour Conference might, through the growth of the spirit of internationality, acquire the powers of a truly legislative international assembly, felt that the time for such a development was not yet ripe. If an attempt were made at this stage to deprive States of a large measure of their sovereignty in regard to labour legislation, the result would be that a considerable number of States would either refuse to accept the present convention altogether, or, if they accepted it, would subsequently denounce it, and might even prefer to resign their membership of the League of Nations rather than jeopardise their national economic position by being obliged to carry out the decisions of the International Labour Conference. The majority of the Commission therefore decided in favour of making ratification of a convention subject to the approval of the national legislatures or other competent authorities.

The American Delegation, however, found themselves unable to accept the obligations implied in the British draft on account of the limitations imposed on the central

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executive and legislative powers by the constitution of certain federal States, and notably of the United States themselves. They pointed out that the Federal Government could not accept the obligation to ratify conventions dealing with matters within the competence of the forty-eight States of the Union, with which the power of Labour legislation for the most part rested. Further, the Federal Government could not guarantee that the constituent States, even if they passed the necessary legislation to give effect to a convention, would put it into effective operation, nor could it provide against the possibility of such legislation being declared unconstitutional by the Supreme Judicial Authorities. The Government could not therefore engage to do something which was not within their power to perform, and the non-performance of which would render them liable to complaint.

The Commission felt that they were here faced by a serious dilemma, which threatened to make the establishment of any real system of international labour legislation impossible. On the one hand, its range and effectiveness would be almost fatally limited if a country of such industrial importance as the United States did not participate. On the other hand, if the scheme were so weakened as to impose no obligation on States to give effect to, or even to bring before their legislative authorities, the decisions of the Labour Conference, it was clear that its work would tend to be confined to the mere passage of resolutions instead of resulting in the promotion of social reforms with the sanction of law behind them.

The Commission spent a considerable amount of time in attempting to devise a way out of this dilemma, and is glad to be able to record that it ultimately succeeded in doing so. Article 19 as now drafted represents a solution found by a Sub-Commission consisting of representatives of the American, British and Belgian Delegations specially appointed to consider the question. It provides that the decisions of the Labour Conference may take the form either of recommendations or of draft conventions. Either must be deposited with the Secretary-General of the League of Nations and each State undertakes to bring it within one year before its competent authorities for the enactment of legislation or other action. If no legislation or other action to make a recommendation effective follows, or if a draft convention fails to obtain the consent of the competent authorities concerned, no further obligation will rest on the State in question. In the case of a Federal State, however, whose power to enter into conventions on labour matters is subject to limitations, its Government may treat a draft convention to which such limitations apply as a recommendation only.

The Commission felt that there might in any event be instances in which the form of a recommendation affirming a principle would be more suitable than that of a draft convention, which must necessarily provide for the detailed application of principles in a form which would be generally applicable by every State concerned. Subjects will probably come before the Conference which, owing to their complexity and the wide differences in the circumstances of different countries, will be incapable of being reduced to any universal and uniform mode of application. In such cases a convention might prove impossible, but a recommendation of principles in more or less detail which left the individual States freedom to apply them in the manner best suited to their conditions would undoubtedly have considerable value.

The exception in the case of Federal States is of greater importance. It places the United States and States which are in a similar position under a less degree of obligation than other States in regard to draft conventions. But it will be observed that the exception extends only to those Federal States which are subject to limitations in respect of their treaty-making powers on labour matters, and further that it only extends in so far as these limitations apply in any particular case. It will not apply in the case of a convention to which the limitations do not apply, or after any such limitations as may at present exist have been removed. Though reluctant to contemplate an arrangement under which all States would not be under identical

obligations, the Commission felt that it was impossible not to recognize the constitutional difficulties which undoubtedly existed in the case of certain Federal States, and therefore proposed the above solution as the best possible in the circumstances.

Attention should be drawn to the protocol* to Article 19. The fear was expressed that the article might be interpreted as implying that a State would be required to diminish the protection already afforded to the workers by its legislation as a result of the adoption of a recommendation or draft convention by the Conference; and in consequence, the protocol was added in order to make it quite clear that such an interpretation was inadmissible.

It should be added that the Japanese Delegation abstained from voting on Article 19, as they had not yet received instructions, from their Government in the matter. The Italian Delegation also abstained on the ground of the inadequacy of the powers given to the Conference.

2. *Enforcement (Articles 22 to 34).*

These articles provide machinery whereby a State which fails to carry out its obligations arising under Article 19, or which fails to enforce a convention which it has ratified, may be made subject to economic measures. This machinery is briefly as follows:—

An industrial association of employers and workpeople may make representations to the International Labour Office which the Governing Body may at its discretion communicate to the State complained of for its observations. (Article 23.) If no satisfactory reply is received the Governing Body may publish the correspondence (Article 24), which in most cases will probably create sufficient pressure by public opinion to cause the complaint to be remedied.

The Governing body also has the power, either on its own motion or on receipt of a complaint from a Government or from a Delegate to the Conference, to apply to the Secretary-General of the League of Nations to nominate a commission of enquiry. For the purpose of such enquiries, each High Contracting Party undertakes to nominate one employer, one workman and one person of independent standing, and each commission shall consist of one person drawn from each of these three categories. (Article 25 and 26.) The Commission will report on the facts, recommend the steps which should be taken to meet the complaint, and indicate the economic measures, if any, which it considers would be appropriate in the event of the condition complained of not being remedied. (Article 28.)

Appeal may be made to the Permanent Court of International Justice of the League of Nations, which shall have power to review the findings of the Commission. (Articles 29 to 32.) If the defaulting State fails to carry out the recommendations of the Commission or the Permanent Court, as the case may be, within the specified time, it will then be open to the other States to take the economic measures indicated against it. (Article 33.)

It will be seen that the above procedure has been carefully devised in order to avoid the imposition of penalties, except in the last resort, when a State has flagrantly and persistently refused to carry out its obligations under a convention. It can hardly be doubted that it will seldom, if ever, be necessary to bring these powers into operation, but the Commission consider that the fact of their existence is nevertheless a matter of almost vital importance to the success of the scheme.

The representatives of the working classes in some countries have pressed their delegates to urge more drastic provisions in regard to penalties. The Commission, while taking the view that it will be in the long run be preferable as well as more effective to rely on the pressure of international public opinion rather than on

* Now embodied in the article itself. See page 23.

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economic measures, nevertheless considers it necessary to retain the possibility of the latter in the background. If all forms of sanction were removed, the effectiveness of the scheme, and, what is almost equally important, the belief in its effectiveness, would be in a great measure destroyed.

Chapter III.—General.

This chapter does not call for much comment, but attention should perhaps be drawn to the provisions of Article 35, which provide that the *British Dominions and India, and any colonies or possessions of any State which may hereafter be recognized as fully self-governing by the Executive Council of the League of Nations, shall have the same rights and obligations under the convention as if they were separate High Contracting Parties. It seemed evident to the Commission that Colonies which were fully self-governing, not only as regards labour legislation but generally, must be regarded as separate entities for the purposes of the Labour Conference, but it was decided that a State and its self-governing colonies should not have more than one seat in the Governing Body.† In the case of colonies which are not fully self-governing, the mother country undertakes the obligation to apply labour conventions to them, unless local conditions render it impossible to apply them either wholly or in part.

Chapter IV.—Transitory Provisions.

This Chapter provides, *inter alia*, for the holding of the first Conference in October, 1919.

The Commission felt it was essential that the Conference should meet at the earliest possible moment, but that, if it was to do its work effectively, some time must be allowed for the collection of information and for the different countries to prepare their views on the various subjects for discussion. The Conference could, therefore, hardly meet earlier than October. In the schedule* to Article 39, it is proposed that the arrangements for this Conference should be made by an international committee consisting of representatives of the States named, with power to invite other States to send representatives, if necessary. It is suggested that the United States Government might be willing to convene the Conference at Washington, and the Commission much hopes that they will be willing to undertake this task. It is also suggested that the Peace Conference should approve the agenda set out in the same schedule.

The Italian Delegation proposed that all Nations should be admitted to the Conference immediately after the signature of the Peace Treaty, but the Commission confined itself to passing the second resolution† attached to the draft convention.

See foot note, p. 16.

In conclusion, it should be remarked that after a long discussion on the question of adopting certain measures in the interest of seamen, the Commission thought that "the very special questions concerning the minimum conditions to be accorded to seamen might be dealt with at a special meeting of the International Labour Conference devoted exclusively to the affairs of seamen," at which the Delegates and technical advisers could accordingly be chosen from the shipping community. *See resolution‡ attached to the Convention.)*

Part II.—Labour Clauses.

The Commission were unanimous in thinking that their work would not be complete if it were simply confined to setting up a permanent machinery for Inter-

* See foot notes, p. 15.

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national Labour Legislation. It was not within their competence or within their terms of reference to deal with specific questions relating to industrial conditions and to work them out with detail necessary for the framing of proposals which could be excepted in a binding form. So impressed were they, however, with the urgent need for recognizing explicitly certain fundamental principles as necessary to social progress, that they decided to submit a series of declarations for insertion in the Peace Treaty. They did not feel called upon, however, to draw up a Charter containing all the reforms which may be hoped for in a more or less distant future, but confined themselves to principles the realization of which may be contemplated in the near future.

It will be seen that the High Contracting Parties are not asked to give immediate effect to them, but only to endorse them generally. It will be the duty of the International Labour Conference to examine them thoroughly and to put them in the form of recommendations or draft conventions elaborated with the detail necessary for their practical application.

Proposals were placed before the Commission by the Italian, French, American, Belgian and British Delegations as to the declarations which should be made. The Commission decided that no declaration should be submitted to the Peace Conference, unless it were adopted by a two-thirds majority, and it now has the honour of submitting nine declarations, all of which obtained such a majority and some of which were adopted unanimously.

It should be added, in conclusion, that a majority, but not a two-thirds majority, was obtained for a proposal couched in very general terms which suggested the application to agriculture of the general principles of labour legislation, and which arose out of an Italian proposal in regard to the limitation of the hours of work in agriculture. The delegates who voted against this proposal were, as they explained, by no means hostile to its general idea, but they thought that a proposal in such wide terms was not suitable for inclusion among the declarations to be put forward.

SAMUEL GOMPERS,

President.

ARTHUR FONTAINE,

General Secretary.

HAROLD BUTLER,

Assistant General Secretary.

Paris, March 24, 1919.

4. THE LABOUR SECTIONS OF THE PEACE TREATY.

SECTION I.—PERMANENT ORGANIZATION.

(The figures in brackets are the numbers of the Articles in the Peace Treaty.)

Preamble.

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is

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urgently required; as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provisions for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world, agree to the following:—

Chapter I.—Organization.

ARTICLE 1. (387.)

A permanent organization is hereby established for the promotion of the objects set forth in the Preamble.

The original Members of the League of Nations shall be the original Members of this organization, and hereafter membership of the League of Nations shall carry with it membership of the said organization.

ARTICLE 2. (388.)

The permanent organization shall consist of (i) a General Conference of Representatives of the Members and (ii) an International Labour Office controlled by the Governing Body described in Article 7.

ARTICLE 3. (389.)

The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorization of the President of the Conference, and may not vote.

A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

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The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

ARTICLE 4. (390.)

Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

If in accordance with Article 3 the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

ARTICLE 5. (391.)

The meetings of the Conference shall be held at the seat of the League of Nations or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

ARTICLE 6. (392.)

The International Labour Office shall be established at the seat of the League of Nations as part of the organization of the League.

ARTICLE 7. (393.)

The International Labour Office shall be under the control of a Governing Body consisting of 24 persons, appointed in accordance with the following provisions:—

The Governing Body of the International Labour Office shall be constituted as follows:—

Twelve persons representing the Governments,

Six persons elected by the Delegates to the Conference representing the employers,

Six persons elected by the Delegates to the Conference representing the workers.

Of the 12 persons representing the Governments eight shall be nominated by the Members which are of the chief industrial importance, and four shall be nominated by the Members selected for the purpose by the Government Delegates to the Conference, excluding the Delegates of the eight Members mentioned above.

Any question as to which are the Members of the chief industrial importance shall be decided by the Council of the League of Nations.

The period of office of the members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least 10 members of the Governing Body.

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ARTICLE 8. (394.)

There shall be a Director of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

The Director or his deputy shall attend all meetings of the Governing Body.

ARTICLE 9. (395.)

The staff of the International Labour Office shall be appointed by the Director, who, shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women.

ARTICLE 10. (396.)

The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this part of the present Treaty in connection with international disputes.

It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

Generally in addition to the functions set out in this article, it shall have such other powers and duties as may be assigned to it the Conference.

ARTICLE 11. (397.)

Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labour Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

ARTICLE 12. (398.)

The International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

ARTICLE 13. (399.)

Each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

All the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League.

The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

Chapter II.—Procedure.

ARTICLE 14. (400.)

The agenda for all meetings of the Conference will be settled by the Governing Body who shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organization recognized for the purpose of Article 3.

ARTICLE 15. (401.)

The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government Delegates when appointed.

ARTICLE 16. (402.)

Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organization.

Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favour of considering them.

If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

ARTICLE 17. (403.)

The Conference shall regulate its own procedure, shall elect its own President, and may appoint committees to consider and report on any matter.

Except as otherwise expressly provided in this part of the present Treaty, all matters shall be decided by a simple majority of the votes cast by the Delegates present.

The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

ARTICLE 18. (404.)

The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.

ARTICLE 19. (405.)

When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or (b) of a draft international convention for ratification by the Members.

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

In framing any recommendation or draft convention of general application, the Conference shall have due regard to those countries in which climatic conditions, the

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imperfect development of industrial organization, or other special circumstances make the industrial conditions substantially different, and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director, and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members.

Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action.

In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this article with respect to recommendations shall apply in such case.

The above article shall be interpreted in accordance with the following principle:—

In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned.

ARTICLE 20. (406.)

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

ARTICLE 21. (407.)

If any convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organization to agree to such convention among themselves.

Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

ARTICLE 22. (408.)

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions

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to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

ARTICLE 23. (409.)

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

ARTICLE 24. (410.)

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

ARTICLE 25. (411.)

Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing articles.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Inquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 23.

If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Inquiry to consider the complaint and to report thereon.

The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

When any matter arising out of Article 24 or 25 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

ARTICLE 26. (412.)

The Commission of Inquiry shall be constituted in accordance with the following provisions:—

Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the members of the Commission of Inquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present article.

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Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Inquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any Member directly concerned in the complaint.

ARTICLE 27. (413.)

The Members agree that, in the event of the reference of a complaint to a Commission of Inquiry under Article 25, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

ARTICLE 28. (414.)

When the Commission of Inquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

ARTICLE 29. (415.)

The Secretary-General of the League of Nations shall communicate the report of the Commission of Inquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

ARTICLE 30. (416.)

In the event of any Member failing to take action required by Article 19, with regard to a recommendation or draft Convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

ARTICLE 31. (417.)

The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 29 or Article 30 shall be final.

ARTICLE 32. (418.)

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Inquiry, if any, and shall in its decision indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

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ARTICLE 33. (419.)

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

ARTICLE 34. (420.)

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Inquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Inquiry to verify its contention. In this case the provisions of Articles 26, 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Inquiry or the decision of the Permanent Court of International Justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaulting Government.

Chapter III.—General.

ARTICLE 35. (421.)

The Members engage to apply conventions which they have ratified in accordance with the provisions of this part of the present Treaty to their colonies, protectorates and possessions, which are not fully self-governing:—

1. Except where owing to the local conditions the convention is inapplicable, or
2. Subject to such modifications as may be necessary to adapt the convention to local conditions.

And each of the Members shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

ARTICLE 36. (422.)

Amendments to this part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the Members.

ARTICLE 37. (423.)

Any question or dispute relating to the interpretation of this part of the present Treaty or of any subsequent Convention concluded by the Members in pursuance of the provisions of this part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

Chapter IV.—Transitory Provisions.

ARTICLE 38. (424.)

The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the Annex hereto.

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Arrangements for the convening and the organization of the first meeting for the Conference will be made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said Annex.

The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE 39. (425.)

Until the League of Nations has been constituted all communications which under the provisions of the foregoing articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League.

ARTICLE 40. (426.)

Pending the creation of a Permanent Court of International Justice, disputes which in accordance with this part of the present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

Annex.—First Meeting of Annual Labour Conference, 1919.

The place of meeting will be Washington.

The Government of the United States of America is requested to convene the Conference.

The International Organizing Committee will consist of seven members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

Agenda—

1. Application of principle of the 8-hour day or of the 48-hour week.
2. Question of preventing or providing against unemployment.
3. Women's employment—
 - (a) Before and after child-birth, including the question of maternity benefit.
 - (b) During the night.
 - (c) In unhealthy processes.
4. Employment of children—
 - (a) Minimum age of employment.
 - (b) During the night.
 - (c) In unhealthy processes.
5. Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

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Section II.—General Principles.

ARTICLE 427.

The High Contracting Parties, recognizing that the well-being, physical, moral, and intellectual, of industrial wage-earners is of supreme international importance, have framed in order to further this great end the permanent machinery provided for in Section I, and associated with that of the League of Nations.

They recognize that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But holding, as they do, that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:—

First.—The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

Second.—The right of association for all lawful purposes by the employed as well as by the employers.

Third.—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth.—The adoption of an eight hours' day or a forty-eight hours' week as the standard to be aimed at where it has not already been attained.

Fifth.—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth.—The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh.—The principle that men and women should receive equal remuneration for work of equal value.

Eighth.—The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth.—Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

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5. RESOLUTIONS ADOPTED BY THE COMMISSION.

I.—*Resolutions proposed by the Belgian, French and Italian Delegations.*

The Commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the High Contracting Parties with a view to endowing the International Labour Conference under the auspices of the League of Nations with power to take, under conditions to be determined, resolutions possessing the force of international law.

II.—*Resolution proposed by the Belgian, French and Italian Delegations.*

The Commission, being of opinion that an international code of Labour legislation which will be really effective cannot be secured without the co-operation of all industrial countries, expresses the wish that pending the signature of the Treaty of Peace, which will permit all such countries to be approached, the Peace Conference will communicate the present draft Convention to the neutral powers for their information before finally adopting it.

III.—*Resolution proposed by the French Delegation.*

The Commission considers that the very special questions concerning the minimum conditions to be accorded to seamen might be dealt with at a special meeting of the International Labour Conference devoted exclusively to the affairs of seamen.

RESOLUTIONS ADOPTED BY THE COMMISSION

I. Resolution proposed by the Chinese, French and Italian Delegates

The Commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the High Contracting Parties with a view to organizing the International Labour Conference under the auspices of the League of Nations with a view to taking under consideration the conditions to be determined by the League of Nations and the League of Nations.

II. Resolution proposed by the Chinese, French and Italian Delegates

The Commission, being of opinion that an international code of labour legislation which will be really effective cannot be secured without the co-operation of all industrial countries, expresses the wish that pending the signature of the Treaty of Commerce which will permit all such countries to be approached, the League of Nations will communicate the present draft Convention to the neutral powers for their opinion and advice.

III. Resolution proposed by the Chinese, French and Italian Delegates

The Commission considers that the very special questions concerning the main conditions to be attached to a loan should be dealt with at a special meeting of the International Labour Conference devoted exclusively to the subject of loans.

The Commission has decided to hold a special meeting of the International Labour Conference at Geneva in 1921 to deal with the subject of loans.

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